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VENTANA MEDICAL SYSTEMS, INC.

E-filed 5/31/06

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BIOGENEX LABORATORIES, INC.,
Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,
Defendant.

CASE NO.: C03-3916-JF
CASE NO.: C05-0860-JF

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY SCHEDULE**

WHEREAS, a Case Management Conference is currently scheduled for June 2, 2006;

WHEREAS, defendant's motion for summary judgment is pending, and the parties believe that resolution of the pending motion has the potential to narrow, obviate, or otherwise inform claim construction matters with respect to the asserted '598 patent in this litigation;

1 IT IS HEREBY STIPULATED, subject to the approval of the Court:

2 1. The Case Management Conference, currently scheduled for June 2, 2006, is
3 hereby vacated.

4 2. Within 10 days of the Court's ruling on defendant's motion for summary
5 judgment, the parties are directed to file a Joint Case Management Statement, which shall
6 include a proposed schedule for subsequent Patent Local Rules disclosures, a tutorial, and a
7 claim construction hearing. Within the same time period, the parties are directed to contact the
8 clerk to discuss scheduling a Case Management Conference.

9
10 Dated: May 30, 2006

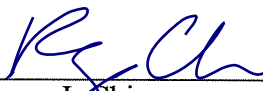
STRADLING YOCCA CARLSON & RAUTH
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11
12 By: 
13 Paul L. Gale

14 Attorneys for Plaintiff
15 BIOGENEX LABORATORIES, INC.

16 Dated: May 30, 2006

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17
18 By: 
19 Roger J. Chin

20 Attorneys for Defendant
21 VENTANA MEDICAL SYSTEMS, INC.

22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25
26 Dated: 5/31/06


27 HON. JEREMY FOGEL
28 UNITED STATES DISTRICT JUDGE